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C.R.P.No.2043 & 2046 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2043 &2046 of 2020

and

C.M.P.No.12849, 12851& 12854 of 2020

R.Ayyasamy (Died)

2.S.Indrani

3.A.Amveetha

(Sole petitioner died, petitioner 2 &3

are brought on record as LR's of deceased

P1 viz., R.Ayyasamy vide court order dated

23.01.2024 made in CMP.No.1497, 1481&1485/2024

in CRP.No.2043 of 2020)

... Petitioners in both C.R.P.'s

Vs.

1.1.Kaliyammal

2.Baby

3.Devaki

4.Vennila

5.R.Nagarajan

6.The Revenue Divisional Officer

(Land Acquisition)

District Collector Officer

Coimbatore-641 018.



C.R.P.No.2043 & 2046 of 2020

7. The Registrar
Bharathiyar University
Coimbatore-641 046

...Respondents in C.R.P.No.2043 of 2020

1.R.Nagarajan
2.Kaliyammal
3.Baby
4.Devaki
5.Vennila

...Respondents in C.R.P.No.2046 of 2020

PRAYER in C.R.P.No.2043 of 2020 Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the order dated 13.07.2020 in TR.O.P.No.302 of 2019 on the file of the Principal District Court, Coimbatore.

PRAYER in C.R.P.No.2046 of 2020: Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the order dated 13.07.2020 in TR.O.P.No.305 of 2019 on the file of the Principal District Court, Coimbatore.

In C.RP.No.2043 of 2020

For Petitioner

: M/s.D.Shivakumaran

For respondents 1 to 3

: Mr.S.Mari Singh

For respondent 4

: Mr.N.Ponraj

For respondent 5

:Mr.Ma.P.Thangavel

For respondents 6

:Mr.V.Jeevagiridharan

Additional Government Pleader



C.R.P.No.2043 & 2046 of 2020

In C.RP.No.2046 of 2020

For Petitioner

: M/s.D.Shivakumaran

For respondents 2 to 4

: Mr.S.Mari Singh

For respondent 5

: Mr.N.Ponraj

For respondent 1

:Mr.Ma.P.Thangavel

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the Court below dismissing the applications filed by the petitioner seeking transfer of O.S.No.655 of 2019 from the file of III Additional District Munsif Court, Coimbatore and O.S.No.2833 of 2013 from the file of IV Additional District Munsif Court, Coimbatore to the file of V Additional District Judge, Coimbatore for joint trial along with O.S.No.147 of 2005 pending on the file V Additional District Judge, Coimbatore.

2. It is seen from the typed set of papers that the deceased 1st revision petitioner filed a suit for partition in O.S.No.147 of 2005 on the file of V Additional District Court, Coimbatore. The said suit was decreed and on

3/6



appeal to the High Court, the matter was remanded back to the file of Trial Court. It is not in dispute that after remand, recording of evidence is in progress in O.S.No.147 of 2005. However, in O.S.No.655 of 2019, the suit for injunction filed by the petitioner, the defendants not even filed written statement so far. In the other suit O.S.No.2833 of 2013 filed by the petitioner seeking declaration and injunction in respect of compensation awarded in LAOP.No.31 of 1986, the trial is not yet commenced. In such circumstances, the suits in O.S.No.655 of 2019 and O.S.No.2833 of 2013 cannot be transferred for trial along with O.S.No.147 of 2005 wherein the suit was already disposed of and now pending on the file of Trial Court after remand. It is also not in dispute that recording of evidence is in progress in O.S.No.147 of 2005. It is also seen from the impugned order that at the time of remand, this Court directed the Trial Court to dispose of the suit within a period of three months from the date of receipt of the records.

3. In view of the time schedule fixed by this Court, it is not desirable to transfer O.S.No.655 of 2019 and OS.No.2833 of 2013 to Additional District Court, Coimbatore for trial along with O.S.No.147 of 2005.



C.R.P.No.2043 & 2046 of 2023

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4. The Court below rightly came to the conclusion that transfer of suits sought for by the petitioner cannot be ordered and dismissed the transfer application. I do not find any error in the order passed by the Court below. Accordingly, both the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

16.02.2024

Index : Yes / No
Internet : Yes / No
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To

The learned Principal District Judge, Coimbatore.



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S.SOUNTHAR, J.

nr

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